

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional) AM9-99-0216
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> First Named Inventor: Stefan Edlund Application Number: 09/531,016 Filed: 3/20/2000 </div> <div style="width: 35%;"> Art Unit: 2174 Examiner: Thanh T. Vu </div> </div> Title: System and Method for Scheduled Events to Subscribe to Live Information Topics	
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p style="text-align: center;">APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay. <p>1. Petition fee</p> <div style="margin-left: 40px;"> <input type="checkbox"/> Small entity – fee \$ _____ (37 CFR 1.17(I)). Applicant claims small entity status. See 37 CFR 1.27. </div> <div style="margin-left: 40px;"> <input checked="" type="checkbox"/> Other than small entity – fee \$ <u>500.00</u> (37 CFR 1.17(I)). </div> <p>2. Reply and/or fee</p> <p>A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):</p> <div style="margin-left: 40px;"> <input type="checkbox"/> has been filed previously on _____ . <input type="checkbox"/> is enclosed herewith. </div> <p>B The issue fee of \$ <u>1400.00</u></p> <div style="margin-left: 40px;"> <input type="checkbox"/> has been filed previously on _____ . <input checked="" type="checkbox"/> is enclosed herewith. </div>	

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____/ramrajsoundararajan/

Signature

_____/07/11/2007

Date

_____/Ramraj Soundararajan

Typed or printed name

_____/53,832

Registration Number, if applicable

_____/9435 Lorton Market Street #801

Address

_____/ (571) 642-0033

Telephone Number

_____/Lorton, VA 22079

Address

Enclosure ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____/Date

_____/Signature

_____/Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

/ramrajsoundararajan/

07/11/2007

Signature

Date

Ramraj Soundararajan

53,832

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

A notice of abandonment was received on 6/04/2007 with respect to the above-referenced case. It was determined that the above application had become abandoned for failure paying the issue fee in response to the Notice of Allowance mailed out on 02/01/2007. Applicants' representative is establishing unavoidable delay based on the failure to receive the Notice of Allowance dated 02/01/2007 (see *In Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), where the court decided that an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment). As per the guidelines set forth in the MPEP, Applicants' representative, Mr. Ramraj Soundararajan, hereby attests that the Office communication of 02/01/2007 was not received by the practitioner. Further, as per MPEP guidelines, Applicants' representative, Mr. Ramraj Soundararajan, hereby also attests that a thorough search of the file jacket and docket records were conducted in the month of June which indicated that the Office communication of 02/01/2007 was never received.

As evidentiary support, Applicants respectfully submit screenshots of the docketing software Flextrac in pages 1 through 2 of APPENDIX A. As a first step in our docketing procedure, Flextrac software is updated when a new communication is received from the USPTO. Upon electronic entry of this information, Flextrac automatically reminds Applicants of upcoming deadlines. As a second step, a second reminder is created in Microsoft Outlook with the same deadline. With respect to the above-referenced case and as can be seen from the screenshots, there was no entry in Flextrac. Similarly, a review of Outlook records also fail to indicate the creation of a deadline for the Issue Fee deadline. Also provided as evidentiary support on page 3 of APPENDIX A is a copy of the File Jacket associated with the above-referenced case. It can be seen from the file jacket that last Office action received refers to the Appeal Brief Decision of 08/31/06. Had the Notice of Allowance been received on 02/01/2007, an entry would have been made on the File Jacket corresponding to the same.

Hence, at least for the reasons set forth above, Applicants respectfully request the withdrawal of abandonment with regards to the above-referenced case.

(Please attach additional sheets if additional space is needed.)

APPENDIX A

Patent Case History

Case Management

Sr. Atty: Pri. Atty: Admin: Case Type:

Case No: Client ID: Client Case:

Serial No: Filing Date: Status:

Title:

Date Iss/Abn: Patent No: Patent Expiration Date:

Reminder List

Item	Due Date	Done Date
File New Application-USA		3/20/2000
Missing Parts Postcard Due-USA	5/20/2000	Received
Formal Drawings Postcard due-USA	5/20/2000	Received
File Formal Drawings-USA	5/23/2000	3/20/2000
File IDS - Search done in USA	5/22/2000	3/20/2000
Receive Filing Receipt-USA	6/20/2000	6/14/2000
Assignment Recording-USA	6/20/2000	3/20/2000
WAITING FOR NEXT PTO COMMUNICATION - USA	9/20/2001	10/18/2002
Office Action Received-USA	10/24/2002	10/24/2002
WAITING FOR NEXT USPTO COMMUNICATION - USA	10/20/2002	10/20/2002

Priority Case No: Merge Form:

Patent Case History

Case Management

Sr. Atty: Pri. Atty: Admin: Case Type:

Case No: Client ID: Client Case:

Serial No: Filing Date: Status:

Title:

Date Iss/Abn: Patent No: Patent Expiration Date:

Reminder List

Item	Due Date	Done Date
Response Sent-USA	1/24/2003	1/24/2003
Office Action Postcard Due-USA	2/24/2003	Received
WAITING FOR NEXT PTO COMMUNICATION - USA	3/24/2003	3/5/2003
WAITING FOR NEXT PTO COMMUNICATION - USA	6/27/2003	6/4/2003
Office Action Received-USA	7/29/2003	7/23/2003
Check Status of Amendment - USA	11/20/2003	1/20/2004
Office Action Received-USA	1/20/2004	1/20/2004
Response Sent-USA	4/20/2004	4/20/2004
Office Action Postcard Due-USA	5/20/2004	Received
Office Action Received-USA	7/15/2004	7/15/2004

Priority Case No: Merge Form:

Patent Case History

Case Management

Sr. Atty: Pri. Atty: Admin: Case Type:

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Title:

Date Iss/Abn: Patent No: Patent Expiration Date:

Reminder List

Item	Due Date	Done Date
Final OA Response Sent USA	9/15/2004	10/15/2004
Notice of Appeal Due-USA	10/15/2004	10/15/2004
FDA Response Due - 3 Month - USA	10/15/2004	10/15/2004
Notice of Appeal Due-USA	10/15/2004	10/15/2004
FDA Response Due - 3 Month - USA	10/15/2004	10/15/2004
Office Action Postcard Due-USA	11/15/2004	Received
Notice of Appeal Postcard due USA	11/15/2004	Received
Appeal Brief Due-USA	12/15/2004	12/15/2004
Appeal Brief Postcard Due-USA	1/15/2005	Received
Reply Brief Due-USA	6/21/2005	6/21/2005

Priority Case No: Merge Form:

Start | Inbox - Microsoft Outlook | VS-3PCase Tracking Sys | Patent Case History | Document2 - Microsoft Word | Case in Progress | 1:26 PM

Patent Case History

Case Management

Sr. Atty: Pri. Atty: Admin: Case Type:

Case No: Client ID: Client Case:

Serial No: Filing Date: Status:

Title:

Date Iss/Abn: Patent No: Patent Expiration Date:

Reminder List

Item	Due Date	Done Date
Reply Brief Postcard due-USA	7/21/2006	Received
Appeal Decision Expected-USA	9/21/2006	9/21/2006
Waiting for comm from Examiner concerning BDA reversal	6/30/2007	6/21/2006

Priority Case No: Merge Form:

Start | Inbox - Microsoft Outlook | VS-3PCase Tracking Sys | Patent Case History | Document2 - Microsoft Word | Search Results | 1:27 PM

Edlund et al.

**"A System and Method for Scheduled
Events to Subscribe to Live
Information Topics"**

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SERIAL NO. 09/531,016 FILED 3-20-00 CONFIRMATION NO. 6342

PATENT NUMBER _____ ISSUED _____

OFFICE ACTIONS	AMENDMENTS
10/24/02 - OA rec'd	1/24/03 - amendment filed
07/29/03 - ^{Final} OA received	10/21/03 - RLE Filed
1/28/04 - OA mailed	11/7/03 - Pre-Amendment filed
7/15/04 - FDA mailed	4/28/04 - Amendment filed
	5/26/04 - Supplemental Amendment filed
	10/15 Notice of Appeal
	12/15 Appeal Brief
4/21/05 Exam. Answer	6/21/05 Reply Brief
8/31/06 Decision on Appeal - Reversed	

CLIENT or TITLE
DIVISION OF
CONTINUATION IN PART OF

INVENTOR
CANADIAN

SERIAL NO.
OTHER FOREIGN